



**CITY OF MORGAN HILL**

**MORGAN HILL REDEVELOPMENT AGENCY  
CITY COUNCIL**

**COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Larry Carr, Vice-Chair  
Hedy L. Chang, Agency Member  
Steve Tate, Agency Member  
Greg Sellers, Agency Member

**CITY COUNCIL**

Dennis Kennedy, Mayor  
Greg Sellers, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Steve Tate, Council Member  
Larry Carr, Council Member

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**WEDNESDAY, SEPTEMBER 26, 2001**

**JOINT AGENDA**

**REDEVELOPMENT AGENCY SPECIAL & REGULAR MEETING,  
CITY COUNCIL SPECIAL MEETING**

*A Special Meeting is called for Wednesday, September 26,  
2001 at 6:30 P.M. for the purpose of conducting Closed  
Sessions.*

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**Dennis Kennedy, Chairperson/Mayor**

**6:30 P.M.**

**CALL TO ORDER**

(Chairperson/Mayor Kennedy)

**ROLL CALL ATTENDANCE**

(Agency Secretary/City Clerk Torrez)

## ***Redevelopment Agency/City Council Action***

### **CLOSED SESSIONS:**

#### **1.**

#### **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority:	Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel
Case Name:	San Jose Christian College v. City of Morgan Hill
Case Number:	Santa Clara County Superior, No. CV 799179
Closed Session Topic:	Potential Existing Litigation/Real Estate Negotiations

#### **2.**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Legal Authority:	Government Code 54956.9(a)
Case Name:	San Jose Christian College v. City of Morgan Hill, Dennis Kennedy, Greg Sellers, Larry Carr, Steve Tate and Hedy L. Chang
Case Number:	United States District Court, Northern District of California, No. CO1-20857
Closed Session Topic:	Existing Litigation

#### **3.**

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Litigation/Initiation of Litigation	
Authority:	Government Code Section 54956.9(b) & (c)
Three (3) Cases	

#### **4.**

#### **CONFERENCE WITH LEGAL COUNSEL (POTENTIAL LITIGATION) & CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority:	Government Code 54956.8 & 54946.9(c)
Property:	APN 825-06-002, 003, 029, 030; 36.6 acres (Railroad/Maple - Butterfield Retention Basin Site)
Negotiating Parties:	
For City:	City Manager; Public Works Director
For Property Owners:	Costa Family Partners
Closed Session Topic/Under Negotiation:	Potential Litigation & Price and Terms of Payment

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**7:00 PM**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**  
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE AGENCY SECRETARY/CITY CLERK.  
THE AGENCY SECRETARY/CITY CLERK WILL FORWARD CORRESPONDENCE TO THE  
REDEVELOPMENT AGENCY/CITY COUNCIL.**

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Item #1 and Agenda Item #2 may be acted upon with one motion, a second and the vote from each respective agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

***Redevelopment Agency Action***

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- 1) **AUGUST 2001 FINANCE AND INVESTMENT REPORT . . . . . 1**  
**Recommended Action(s): Accept and File** Report.

***City Council Action***

- 2) **REVISED JOINT POWERS AUTHORITY AGREEMENT FOR LIBRARY SERVICES . . . . .**  
**Recommended Action(s):**  
1. **Authorize** the City Manager to Sign the Revised Library Joint Powers Authority Agreement, and  
2. **Adopt** Resolution No. 5530 to Approve the Amended and Restated Joint Powers Agreement for Library Services.

***City Council Action***

**OTHER BUSINESS:**

	Time Estimate	Page
3)	30 minutes	<b><u>REPORT ON THE STATUS AND ACTIVITIES OF THE MORGAN HILL COMMUNITY HEALTH FOUNDATION</u></b> <b><u>Recommended Action:</u></b> <u>Receive</u> Status Report

## ***City Council and Redevelopment Agency Action***

### **OTHER BUSINESS:**

	Time Estimate	Page
4)	15 minutes	<b><u>AWARD CONTRACT FOR CONSTRUCTION OF COMMUNITY CENTER PROJECT AND APPROVE CONSULTANT AGREEMENTS FOR PROFESSIONAL SERVICES DURING CONSTRUCTION</u></b> ..... <b><u>Recommended Action(s):</u></b> <ol style="list-style-type: none"> <li>1. <b><u>Appropriate</u></b> Additional Funds in the Amount of \$288,000 from Unappropriated RDA Fund Balance, \$100,000 from the Unappropriated Traffic Impact Fund Balance, and \$21,000 from the Unappropriated Non-AB 1600 Storm Drain Impact Fund Balance for This Project,</li> <li>2. <b><u>Award</u></b> Contract to DPR Construction, Inc. for the Community Center Project in the Amount of \$11,021,228, thereby Approving Deductive Alternate #1,</li> <li>3. <b><u>Approve</u></b> Consultant Agreement for Construction Management Services with Consolidated CM in the Amount of \$284,545, Subject to the Approval of the City Attorney,</li> <li>4. <b><u>Approve</u></b> Consultant Agreement for State Inspector of Record (IOR) and Quality Control Inspection Services with David F. Eddings &amp; Associates in the Amount of \$114,000, Subject to the Approval of the City Attorney; and</li> <li>5. <b><u>Approve</u></b> Consultant Agreement for Special Inspections and Materials Testing with Testing Engineers, Inc. in the Amount of \$36,487, Subject to the Approval of the City Attorney.</li> </ol>

### **FUTURE AGENCY-INITIATED AGENDA ITEMS:**

This is an Opportunity for Members of the Redevelopment Agency to Request Items for Future Agendas.  
 Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**